

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/711,149 Confirmation No.: 5148
Applicant : Wheeler, et al.
Filed : August 27, 2004
Art Unit : 2134
Examiner : Piotr Poltorak
Atty Docket No. : 34250-1016

REQUEST FOR PATENT TERM ADJUSTMENT RECONSIDERATION

Via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Reconsideration of the Patent Term Adjustment announced in the Determination of Patent Term Adjustment Under 35 U.S.C. 154 (b) mailed September 2, 2008 is requested.

According to the Patent Term Adjustment under 35 U.S.C. 154 (b) accompanying the Notice of Allowability, the Office has determined the Patent Term Adjustment to be 833 days. However, it is respectfully submitted that the correct Patent Term Adjustment is zero (0) days.

At least one Terminal Disclaimer has been filed during the prosecution of the present patent application. As a result of the at least one Terminal Disclaimer, we believe the Patent Term Adjustment should be zero (0) days.

Accordingly, it is respectfully submitted that the patent term adjustment should be reduced to zero (0) days and reconsideration thereof is requested. In compliance with the duty of candor under 37 CFR 1.56, the Patent Office is hereby notified of this possible discrepancy and

Request for Patent Term Adjustment Reconsideration

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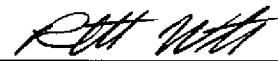
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asks for a prompt ruling. As the error appears to be one that occurred at the Patent Office through no fault of the applicant, it is believed that the \$200.00 fee under 37 CFR 1.18(e) should not be required for adjustment of the patent term. However, in the event any fee is required for the reconsideration of the patent term adjustment such fees are hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by a telephone conference, the Office is invited to call the undersigned attorney at (404) 853-8037.

The foregoing is believed to be a full and complete Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705 (b).

Respectfully submitted,



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DATE: **October 31, 2008**

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